

1 WO  
2  
3  
4  
5

6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA

8  
9 United States of America, ) CR 03-177-PCT-JAT  
10 Plaintiff, )  
11 vs. ) **ORDER**  
12 Reese Benally, )  
13 Defendant. )  
14 \_\_\_\_\_)

15  
16 Pending before the Court is Reese Benally's motion to hold collection process in  
17 abeyance until an evidentiary hearing can be held to determine if the Government obtained  
18 a default judgment by using fraud (Doc. #74). Basically, Mr. Benally is arguing that the  
19 Government is collecting money from him that Mr. Benally argues the Government does not  
20 have the authority to collect.

21 The Government responds and recounts that as part of Mr. Benally's plea agreement,  
22 Mr. Benally agreed to and was ordered to pay restitution to his victims (Doc. #75).  
23 Therefore, the Government asserts that it is collecting the restitution consistent with the terms  
24 of the plea agreement and Judgment in this case (both of which are attached to the  
25 Government's response). Mr. Benally did not file a reply.

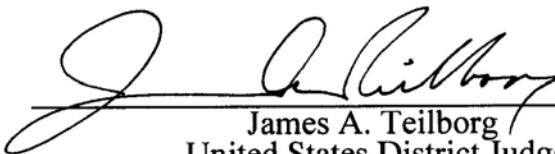
26 For the reasons stated in the Government's response, Mr. Benally's motion will be  
27 denied. The Government has properly instituted collections proceedings in accordance with  
28

1 the plea agreement and Judgment in this case and no evidentiary hearing is necessary.

2 Accordingly,

3 **IT IS ORDERED** that Reese Benally's motion to hold collection process in abeyance  
4 until an evidentiary hearing can be held to determine if the Government obtained a default  
5 judgment by using fraud (Doc. #74) is denied.

6 DATED this 16<sup>th</sup> day of November, 2005.

7   
8 \_\_\_\_\_  
9 James A. Teilborg  
United States District Judge

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28